

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814
(916) 322-5387



December 24, 1975

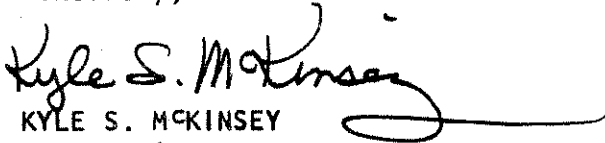
ALL-COUNTY LETTER NO. 75-266

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: REQUIREMENT FOR U-PARENT TO ACCEPT UNEMPLOYMENT COMPENSATION,
 PHILBROOK V. GLODGETT
REFERENCE: EAS 41-440.5 AND EAS 44-103.2

Attached is a copy of emergency regulations effective December 12, 1975. These regulations implement recent federal regulation changes pursuant to the decision in Philbrook v. Glodgett.

Sincerely,


KYLE S. MCKINSEY
Deputy Director

Attachment

cc: CWDA

OBSOLETE

Superseded by ACL #77-15

Issued 3-17-77

FACE SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11180.1)

RECEIVED FOR FILING

DEC 12 1975

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
 (Gov. Code 11380.2)

DEC 12 1975

Office of Administrative Hearings

Copy below is hereby certified to be a true
 and correct copy of regulations adopted, or
 amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: December 4, 1975

By: *Marion J. Woods*

Director

(Title)

**ENCLOSED
 FILED**

In the office of the Secretary of State
 of the State of California

DEC 12 1975

At 8:50 o'clock *a* m.

IMMICH FONG, Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

Amend: Sections 41-440.54
 44-103.2

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
R FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On October 29, 1975, the Federal Department of Health, Education and Welfare promulgated revised regulations to implement the U.S. Supreme Court's decision in Philbrook v. Glodgett.
2. The Federal regulations are effective on January 27, 1976 or earlier at state option.
3. The early effective date of the Federal regulations does not allow us to file these changes on a non-emergency basis.

Therefore, the regulation changes are adopted as emergency measures to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
OR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued)

41-440

AFDC .5 Conditions To Be Met For Federal Participation in Payments
To AFDC-U Families (Continued)

- .54 The father shall not have received unemployment compensation during a week for which AFDC was paid. "Received Unemployment Compensation" for purposes of this requirement does not include unemployment compensation for which a father was eligible but which he did not accept.

DO NOT WRITE IN THIS SPACE

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION
(Continued)

44-103

APSB
AFDC

2 Applicant and Recipient Responsibility

.21 The applicant or recipient, including the person responsible for a child in AFDC, is responsible:

.211 For giving information necessary to income determinations, and

.212 For taking all actions necessary to obtain unconditionally available income.

.22 Income shall be considered unconditionally available if the applicant or recipient has only to claim or accept the income, e.g., relative's offer of a contribution, or OASDI.

.23 Ineligibility for aid results if an applicant or recipient refuses to accept unconditionally available income.

.231 The applicant or recipient who would be disadvantaged by receipt of Special Age 72 OASDI Benefits, because he would lose his public assistance cash grant and certain medical benefits, is not ineligible to a public assistance cash grant if he refuses to apply for and accept such benefits.

AFDC

.232 The unemployed parent of an AFDC-U child (see EAS 41-440.1)

remains eligible even if she/he refuses to accept unemployment
compensation under an unemployment compensation law of any
state or of the United States. (e.g., Unemployment Insurance
benefits or supplemental unemployment assistance)

Such parent shall be advised that she/he has this option.


DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE


(Pursuant to Government Code Section 11380.1)

There are no state mandated local costs in these regulations because they carry out a change in Federal HEW regulations.

Approved:


MARION J. WOODS, Director
Department of Benefit Payments

Approved:

 12-10-75
MARIO G. OBLEDO, Secretary
Health and Welfare Agency

DO NOT WRITE IN THIS SPACE